Marijuana Arrests in the United States (2007)

Arrests, Usage, and Related Data

Jon Gettman , Ph.D.

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EXECUTIVE SUMMARY

This report provides an overview to a vast amount of data reported in the Marijuana Policy Almanac, available at http://www.drugscience.org/States/US/US_home.htm. This almanac provides the largest collection of detailed data about marijuana arrests in the United States ever released to the public. It contains detailed data at the national, state, county, and local agency level about marijuana arrests and related topics, such as marijuana use, criminal justice costs, and clearance rates for serious crimes. The Marijuana Policy Almanac also contains individual summary reports for each state, and rankings of states by penalties for marijuana possession, marijuana arrest rates, and the number of marijuana users.

These data shed some light on the growing national and regional debate over whether marijuana prohibition is a policy that effectively delivers benefits that justify its human or fiscal cost.

Specific findings include the following:

1) Nationally, there is little apparent relationship between increasing marijuana arrests and rates of use.

- Marijuana arrests have nearly doubled from 1991 to 2008, increasing by 150% during the 1990s and increasing steadily in recent years, producing an annualized change of 6.56% per year during this period.
- Overall, levels of marijuana use in the United States have remained fundamentally unchanged during this period. Population estimates of annual marijuana use, for example, have remained relatively constant over the last five years at approximately 25 million individuals.
- From 2003 to 2007, the number of annual marijuana arrests increased by 2.93% per year, while the number of annual marijuana users decreased by 0.21% per year.
- The overall marijuana arrest rate of between 3% and 6% of users is not enough to represent a meaningful deterrent.

2) There are wide disparities between states in both marijuana arrest rates and the severity of penalties. These differences bear little relationship to rates of use, while the penalty structure actually serves as a price support for the illicit market.

- Thirteen states have decriminalized possession of small amounts of marijuana, and Georgia mandates probation for such offenses.
- However, 30 states, plus the District of Columbia, have maximum penalties of six months to a year in jail for possession of about one ounce of marijuana. State law in Florida provides for a maximum penalty of five years. For possession of two ounces of marijuana, 18 states have maximum penalties of one year, and 16 have maximum penalties of more than one year, including maximum sentences of 10 years in Arkansas, Georgia, and Oregon and seven years in Missouri.
- This penalty structure effectively demands that marijuana consumers make multiple small purchases of marijuana over time. This props up the price of marijuana and benefits the illegal market.
- These laws, by making marijuana an attractive commodity for small-scale sales, have created a substantial market in which teenagers sell marijuana to other teenagers, making marijuana

easily accessible to young people. According to the 2007 NSDUH, 742,932 youths aged 12 to 17 sold illegal drugs in the preceding 12 months.

- The national marijuana arrest rate is 290 per 100,000. The jurisdictions with the highest marijuana arrest rates are the District of Columbia (677), New York (481), and Kentucky (479). The states with the lowest are Vermont (149), Montana (145), and Hawaii (119).
- While some decriminalized states, such as Maine and Colorado, have high rates of marijuana use, others, including Mississippi and Nebraska, have below-average rates of use.
- Some states, including South Carolina and Missouri, have among the highest arrest rates of marijuana users but low levels of marijuana use, while Washington, D.C. has both a high arrest rate and a high rate of use. Utah and North Dakota have low levels of use and below-average arrest rates, while states such as Alaska, Massachusetts and Montana have low arrest rates and high levels of use.

3) Young people and African-Americans are disproportionately affected by marijuana arrests.

- Males aged 15 to 24 account for 52% of all marijuana arrests. While the national rate of marijuana possession arrests is 248 per 100,000, the arrest rate for males aged 15 to 19 is 1,911 per 100,000.
- While the marijuana-use rate for African-Americans is only about 25% greater than for whites, the marijuana possession arrest rate for blacks is 300% greater. This is not a regional disparity, but is seen in every state and most counties.

4) The costs of arresting marijuana users are substantial, and raise serious questions about the cost-effectiveness of marijuana prohibition.

- Using the same method of calculation used by the White House Office of National Drug Control Policy, marijuana arrests cost state and local governments $10.3 billion in 2006.
- Marijuana arrests represent 6% of all arrests. In many states, they represent the fifth, sixth, or seventh largest category of arrests.
- The clearance rate (i.e. the percentage of crimes solved by arrest) for murder, rape, robbery, assault, burglary, larceny, and motor vehicle theft was 26% in 2007, meaning that no one is arrested for three quarters of these serious crimes. In this environment, time and resources spent on roughly 850,000 marijuana arrests per year represent a significant opportunity cost.
- In California, decriminalization of marijuana possession saved taxpayers $857 million in 2006 (details in the California state report).

Preface

This report is accompanied by The Marijuana Policy Almanac[1], an online collection of over 1,000 tables that provide extensive and detailed data on marijuana arrests, use, and related topics at the national, state, county, and local level.

The Marijuana Policy Almanac includes rankings of U.S. states according to penalties for marijuana possession, marijuana arrest rates, and the number of marijuana users. Rankings are also provided for U.S. counties according to marijuana arrest rates, marijuana possession arrest rates for males aged 15 to 19, and marijuana possession arrest rates for blacks. State tables include marijuana arrests; all arrests; drug arrests; admissions and referrals to drug treatment services; marijuana, alcohol, tobacco and other drug use; marijuana arrest rates by selected age/sex combinations; marijuana arrest rates by race; clearance rates for serious crimes, and county level data on arrests by selected age/sex groups and race. Tables also detail local police agency arrests for marijuana offenses. Data is provided on state-level criminal justice system expenses, along with a general estimate of the costs of marijuana law enforcement. Also, short summary reports are provided for each state reviewing this collected data.

This report and the accompanying Marijuana Policy Almanac are based primarily on data collected and published by the United States government.[2] The primary source of data on marijuana arrests is the Uniform Crime Reporting (UCR) Program. The source for marijuana use data is the National Survey on Drug Use and Health (NSDUH). Arrest rates according to selected demographic categories were obtained by cross-referencing UCR arrest data with population data obtained from the Census Bureau.

The Uniform Crime Reporting Program is based on reports from local police agencies. In some cases the UCR Program estimates annual data from incomplete reports, and data is not available from every policy agency in some states for various reasons. Many tables indicate the level of population coverage represented by the available data; for example data on the number of arrests by race may be derived from policy agencies in local jurisdictions accounting for less than 100% of the state or county population. In New York City, the UCR Program has provided estimates of the number of arrests in each of the city's five counties derived from reported data, resulting in similar arrest rates for each county.

Data collection guidelines for the UCR Program require that citations be counted as arrests. Some states issue citations for possession of small amounts of marijuana; in most cases these citations are included in the arrest totals reported for marijuana possession.

The use of UCR data to rank jurisdictions, whether state or local, is discouraged by criminal justice officials. Because this report provides such rankings, further comment on this subject is necessary. The UCR Program collects data on two types of offenses.   The primary category consists of eight offenses used to produce indexes that are used as benchmarks on the incidence of crime throughout the country. For these index crimes, the UCR Program collects data on the number of known offenses and how many of these reported offenses are cleared by arrest. Many factors affect the number of crimes committed in a particular region, as well as the number of crimes reported to the police and the number cleared or closed by arrest. These factors provide important context for understanding the crime rate in different

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[1] http://www.drugscience.org/States/US/US_home.htm
[2] See http://www.drugscience.org/States/Notes.htm for more information on the source data used for this report.

areas. For this reason, the public and the media are discouraged from ranking jurisdictions using such indicators as the crime rate or the arrest rate for the violent and property crimes reported by the UCR Program.[3]

These factors are also relevant when comparing drug arrest rates. However, drug arrest rates also differ from violent and property crimes in important respects. Unlike most other crimes, there is survey data available on the number of offenders with respect to drug possession crimes. Also, most drug abuse offenses do not involve victims in the conventional sense, as in a robbery or an assault; investigations and arrests are most often the direct result of police initiative and are subject to such variables as local funding, resource priorities, and enforcement policies.   The general concern about ranking jurisdictions is that such rankings lack context. The report provides considerable information on such topics as drug use, drug treatment referrals, clearance rates for other crimes, criminal justice costs, arrest rates among different demographic groups, and arrest data at the national, state, county, and local level as a way of providing greater context for evaluating area-related data and comparisons of data among different areas.

This work was funded by a generous grant from the Marijuana Policy Project Foundation.[4]

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[3] See http://www.fbi.gov/ucr/cius2008/about/variables_affecting_crime.html for a discussion of this issue.
[4] http://www.mpp.org/

Introduction

Marijuana arrests have been increasing for nearly 20 years, a costly policy that has failed to produce corresponding benefits. Marijuana use remains unchanged, but despite popular beliefs, marijuana penalties remain severe. Overlooked by most Americans and of little apparent concern to their political leaders, arrests of blacks for marijuana possession are widely and unacceptably disproportionate to their level of marijuana use when compared to whites.

This report provides an overview to a vast amount of data reported in an accompanying Marijuana Policy Almanac[5]. This almanac provides the largest collection of detailed data about marijuana arrests in the United States ever released to the public. It contains detailed data at the national, state, county, and local agency level about marijuana arrests and related topics such as marijuana use, criminal justice costs, and clearance rates for serious crimes. The Marijuana Policy Almanac also contains individual summary reports for each state. For many, interest in this report will focus on the data for their local area, as it should. The bigger story, though, is that when looked at locally and nationally, marijuana prohibition is an expensive policy that continues to fail at delivering benefits that justify its human or fiscal cost.

Marijuana arrests have nearly doubled from 1991 to 2008, increasing by 150% during the 1990s and increasing steadily in recent years, producing an annualized change of 6.56% per year during this period.

This costly increase in policy output has failed to produce any corresponding benefits in terms of policy outcomes. Overall, levels of marijuana use in the United States have remained fundamentally unchanged during this period. Population estimates of annual marijuana use, for example, have remained relatively constant over the last five years at approximately 25 million individuals.

During the last several decades, scientific research has failed to provide evidence that marijuana use is significantly more dangerous than the use of alcohol or tobacco that would justify marijuana's criminalization. This is widely recognized by the medical and scientific community. For example, a June 25, 2007 article in Newsweek regarding parent-sanctioned alcohol use by teens quotes Aaron White of Duke University Medical Center, who studies adolescent alcohol use as saying that "the science is clear that alcohol is more dangerous than marijuana."[6] Research on marijuana and its constituent chemicals over the last two decades has primarily focused on how to take advantage of its actual and potential therapeutic benefits. The burden of establishing sufficient harm to justify marijuana's criminal status belongs to proponents of its continued criminalization.

Stripped of hyperbole and pretext, the remaining justifications for arresting marijuana users consist of the following assertions:

   a) Arresting adults and criminalizing marijuana markets is the best way to discourage and control teenage marijuana use.

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[5] http://www.drugscience.org/States/US/US_home.htm

[6] Kantrowitz, Barbara and Anne Underwood. The Teen Drinking Dilemma. Newsweek. June 25, 2007. http://www.msnbc.msn.com/id/19263094/site/newsweek/page/0/

b) Marijuana's illegality is the best way to discourage and reduce marijuana use; more people would use the drug if it were legal.
c) Marijuana arrests are not widespread and penalties are relatively mild.
d) Smoking marijuana is not the optimal method of delivering its therapeutic benefits to patients.
e) Marijuana use is a risky activity for individuals afflicted with schizophrenia.

The first two of these assertions demand an assessment of the costs and benefits of current policies and a comparison with alternative policy options such as a legalized, regulated market. The third assertion is demonstrably false, as the data in this report will demonstrate. The final two assertions are hardly sufficient to justify the costs of marijuana prohibition or justify its continuation.

This report assembles considerable detail about the prevalence, magnitude, penalties, and costs of marijuana arrests, as well as data on marijuana use, referrals to drug treatment programs, and clearance rates for serious crimes by law enforcement agencies.

Marijuana arrests are pervasive throughout the United States. These arrests primarily affect young males and disproportionately affect blacks (who experience arrest rates for marijuana possession several magnitudes greater than whites, despite a relatively small difference in levels of marijuana use).

Marijuana use remains pervasive despite steady increases in marijuana arrests, higher arrest rates, and the widespread persistence of states in maintaining serious maximum penalties for possession of personal-use amounts from two to four ounces.

Marijuana arrests account for a significant level of law enforcement activity at the state and local level and remain a police priority despite both budget cutbacks in most states and the challenges presented by low clearance rates for many serious crimes.

Proponents of continuing arrests for marijuana offenses often point to increases in drug-treatment admissions related to marijuana as evidence that the use of marijuana is dangerous enough to justify its continued prohibition. However a closer inspection of treatment admission data indicates far greater admissions are a result of alcohol, and, more importantly, that a majority of marijuana-related admissions are referred by the criminal justice system as an alternative to jail or other sanctions consequential to arrest.

There was a time when data about marijuana policy was hopefully interpreted as indicating progress toward a drug-free or at least a marijuana-free America, that continued diligence in maintaining these policies would lead to a significant reduction in, if not the elimination of, marijuana use in the future. Well, this is the future, and nothing has changed. Marijuana remains popular in the United States; it is as popular and as valuable as it ever has been, if not more popular. It is more valuable than 20 years ago, and there is little hope and less evidence that sticking with our current policies will produce any different results in the next 20 years.

These data do not reveal a trend toward success. Instead the data on marijuana, on marijuana use, on marijuana arrests, and even the data on marijuana seizures[7], all provide an indication of what the

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[7] Seizures of domestically grown marijuana plants reported by the Drug Enforcement Administration's Domestic Cannabis Eradication/Suppression Program have increased from 3,651,106 in 2003 to 8,013,308 in 2008 (See

government now views as acceptable results[8] from the current policy of criminalizing marijuana cultivation, sales, and use. As a nation we've had some modest success in reducing teenage marijuana use. However, it is debatable whether or not similar results could be obtained by less-costly alternative policies. Otherwise, this is it. Under current policies arrests will continue, use will continue, the disproportionate arrest of blacks will continue, and marijuana will continue to be over-valued by a thriving illegal market.

Sourcebook of Criminal Justice Statistics, (http://www.albany.edu/sourcebook/tost_4.html#4_v), Tables 4.38.2003 through 4.38.2008.)

[8] Much like the function of tables in scientific textbooks, tables related to the outcomes of public policies often serve the function of indicating acceptable levels of program performance, much as textbook tables indicate acceptable variance between theory and practice. Absent significant changes in government policies regarding marijuana, it is reasonable to conclude that persistent long-term trends characterize an acceptable status quo for policy makers who remain content to seek short-term trend adjustments rather than engage in fundamental considerations of policy review. Whether this status-quo is acceptable to the public remains an issue for debate. With respect to policy analysis, this question involves recognizing distinctions between policy output and policy outcomes or results. Viewing public policy in similar terms as scientific theories, the key question is: at what point do the various trends identified in various statistical reports result in unacceptable policy results sufficient enough to repudiate current policies, much as unexpected anomalies force repudiation of scientific theories. This perspective on policy is informed by various essays of Thomas Kuhn in the collection "The Essential Tension", published in 1977 by the University of Chicago Press.

1) National Trends

Short-term examination of annual trends does not reveal much about either marijuana use or marijuana arrests. For example, the 2008 figures for marijuana arrests were just released. The 847,863 arrests for marijuana in the United States in 2008 represented a minor decrease from the record-setting 872,720 arrests reported in 2007. Whether this reduction marks the start of a long-term trend remains to be determined.

The most important characteristic of marijuana arrests in the United States is that they have been steadily increasing over the last 20 years with little or no impact on the level of marijuana use in this country. Marijuana arrests have increased by an annualized rate of 6.56% per year from 287,900 in 1991 to 847,863 in 2008. The arrest rate has increased by an annualized rate of 5.43% per year from 113.57 per 100,000 in 1991 to 278.85 per 100,000 in 2008. Overall, marijuana arrests have increased by 194% from 1991 to 2008.

The following graph covers the period from 1990 to 2007 and compares the number of marijuana users as estimated by the National Survey on Drug Use and Health and compares these figures with the number of arrests as determined by the Uniform Crime Reporting (UCR) Program. Because drug use data is not yet available for 2008, comparisons of arrests and usage will rely on data through 2007.
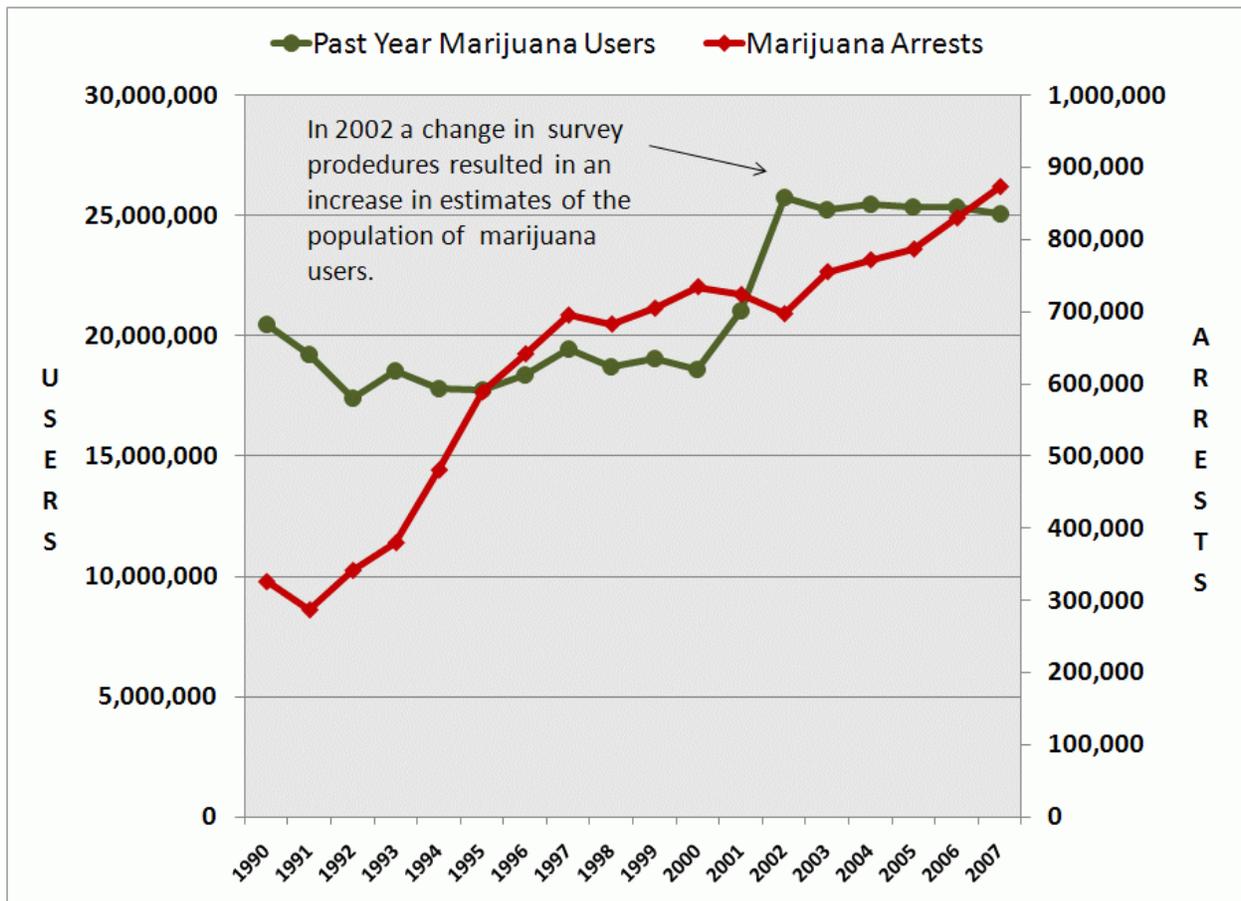
Marijuana Arrests in the United States (2007)

While marijuana arrests have increased significantly since the 1980s, the prevalence of marijuana use in the United States has remained essentially unchanged. As noted on the graph, a change in procedures in the National Survey on Drug Use and Health resulted in an increase in the estimate of the number of marijuana users. The number of users was relatively consistent prior to this procedural change, though there was a significant increase in the prior two years. Nonetheless, from this graph it is clear that increases in marijuana arrests have not resulted in significant decreases in marijuana use.

Marijuana arrests in the United States increased from 755,200 in 2003 to 872,720 in 2007. This represents an average annualized increase of 2.93% per year during this five-year period.

Historically, marijuana arrests in the United States increased by 150% in the 1990s, rising dramatically from 287,850 in 1991 to 723,627 in 2001, an average annualized change of 8.74% per year. During this time the number of individuals who reported marijuana use on national surveys increased modestly from 19.2 million in 1991 to 21 million in 2001.

The arrest rate for marijuana offenses (possession and sales combined) in the United States has increased from 260 per 100,000 in 2003 to 290 in 2007. This represents an average annualized increase of 2.19% per year during this five-year period.

The number of past-year marijuana users in the United States has remained relatively stable during this period, changing from 25.5 million annual users in 2003 to 25.2 million annual users in 2007. The number of past-month users has also remained the same, 14.6 million in both 2003 and 2007.

On a percentage basis annual marijuana use was reported by 10.78% of the population in 2003 and 10.22% in 2007, while monthly use was reported by 6.18% in 2003 and 5.92% in 2007.

Consequently, at the national level between 2003 and 2007, an increase in marijuana arrests of 2.93% per year has resulted in an average annualized decrease in the number of annual marijuana users of .21% per year and a similar decrease in the prevalence of annual marijuana use of .03% per year.

Another way of evaluating marijuana arrests is to calculate an arrest rate based on the number of annual marijuana users rather than the entire population. Survey data on the prevalence of marijuana use provides data on the number of offenders. Using this data to calculate an arrest rate serves two important objectives: First, when applied to individual states, it provides a way to compare arrests while controlling for different levels of marijuana use. These comparisons will be discussed below in a section on the characteristics of marijuana arrests in different jurisdictions. Second, such an arrest rate provides a statistic similar to the clearance rate for crimes (also discussed in more detail below); it reveals what percent of marijuana offenders are arrested, indicating the odds of any marijuana user facing arrest.

In 2003, there were 755,187 arrests out of an annual population of 25.2 million marijuana users. This provides an arrest rate of 2,993 per 100,000 users; in other words 2.99% of all marijuana users were arrested that year. As indicated by the statistics and graph discussed above, arrests have increased from 2003 to 2007 while annual marijuana use remained relatively unchanged. In 2007 there were 872,720 arrests out of an annual using population of 25.1 million annual users. This provides an arrest rate of 3,479 per 100,000 users. In 2007, nearly 3.48% of all marijuana users were arrested. Clearance percentages for seven serious crimes are presented below. These percentages are less precise because many crimes go unreported. However clearance percentages in 2007 ranged from 12% for motor

vehicle theft and burglary to 59% for murder; for all seven crimes presented below the clearance percentage was 26%. Despite an increase of 18% in the arrest rate per 100,000 marijuana users from 2003 to 2007, only 3.48% of marijuana users faced arrest in 2007, a year with the greatest number of marijuana arrests in U.S. history. This relatively low level of enforcement underscores why arrests for marijuana offenses do not deter continued marijuana use.

Returning to the long-term trend and its implications for national policy, the costs of marijuana arrests have been steadily increasing without any corresponding increase in benefits from this policy. This report examines the environment in which these policies are implemented, their costs, and the distribution of these costs with respect to data and related trends at the state, county, and local level.

2) The Environment of Marijuana Arrests

This section concerns the nature of marijuana arrests. In this context the environment involves such issues as local penalties for marijuana possession, the extent marijuana arrests concern marijuana possession or marijuana sales, the proportion of all drug arrests accounted for by marijuana arrests, data on the number of arrests for other offenses, and information on drug treatment program admissions related to alcohol, marijuana, and other drug use.

Many states impose minor penalties for possession of small amounts of marijuana. In many states possession of a small amount of marijuana, usually an ounce or less, is punishable by a fine, a suspended sentence, or probation. Thirteen states have decriminalized marijuana possession in small amounts, and in Georgia probation is mandated for possession of a small amount. Many states also allow for conditional discharge for individuals charged with personal use quantities of marijuana. If they remain out of trouble with the law for a year, their conviction is removed from their record.

However a different perspective emerges by looking at the maximum penalty for marijuana at different quantities. Thirty states and the District of Columbia have maximum penalties of six months to a year in jail for possession of about one ounce of marijuana. State law in Florida provides for a maximum penalty of five years. When it comes to two ounces of marijuana, 18 states have maximum penalties of one year, and 16 have maximum penalties of more than one year, including maximum sentences of 10 years in Arkansas, Georgia, and Oregon, and seven years in Missouri. Possession of a small amount of marijuana is decriminalized in Mississippi, but possession of four ounces carries a maximum sentence of three years. Similarly, a small amount is decriminalized in Minnesota, but possession of four ounces carries a maximum sentence of five years. In Washington state, possession of an ounce carries a maximum sentence of 90 days, but possession of four ounces carries a maximum sentence of five years. Possession of four ounces in Montana has a maximum sentence of 20 years. Possession of four ounces of marijuana is a felony crime in all but 12 jurisdictions; the exceptions are Alaska, California, Delaware, Washington D.C., Iowa, Louisiana, Massachusetts, Nebraska, Ohio, Virginia, West Virginia, and Wisconsin.

Enforcement and sentencing policies may be lenient in many jurisdictions, but the gap between these policies and the statutory seriousness attached to marijuana possession is significant, troubling, and one of the most neglected criminal justice issues today. The penalty structure of marijuana laws has important implications and consequences that affect all drug control efforts. The penalty structure for marijuana possession encourages—demands, actually—that marijuana consumers make numerous small purchases of marijuana over the course of time. This props up the price of marijuana, benefits the illicit market, and exacerbates the negative economic impact of the illegal market. The penalty structure of marijuana possession acts as a price support mechanism that benefits the illegal market at the public's and the marijuana consumer's expense.

Nationally, marijuana possession arrests accounted for 89% of all marijuana arrests in 2008. The arrest rate nation-wide for all marijuana offenses was 279 per 100,000. For possession offenses, the arrest rate was 248. Marijuana arrests also accounted for 50% of all national drug arrests last year. In 2007, marijuana was the sixth-largest category of arrests in the United States, following all other offenses (1), driving under the influence (2), other assaults (3), larceny (4), and other drug offenses (5). Data on national marijuana use is provided above. In 2007, marijuana was the primary drug reported in 16% of

drug treatment admissions, compared to alcohol (40%), cocaine (13%), heroin (14%), synthetic opiates (5%,) and methamphetamine (8%). However, in 2007 the criminal justice system was the source of 58% of marijuana-related referrals for drug treatment. Three out of five individuals who seek drug treatment services concerning marijuana use do so at the direction of the courts, frequently as an alternative to a conviction and/or a jail sentence as a consequence of a marijuana-related arrest.

3) The Costs of Marijuana Arrests

The costs of marijuana arrests can be evaluated according to three perspectives: social, fiscal, and in terms of opportunities. The social costs concern who is arrested. The fiscal costs concern how much of criminal justice system budgets are spent on marijuana law enforcement. The opportunity costs concern the trade-off in the allocation of law enforcement activity between marijuana offenses and other priorities.

a) Social Impact

The social impact of marijuana arrests is clear, consistent across all jurisdictions, and considerable. Two trends characterize marijuana arrests. Marijuana arrests primarily affect young males and disproportionately affect blacks of all ages.

Males account for 85% of all marijuana possession arrests. Males aged 15 to 19 account for 28% of all possession arrests, males aged 20 to 24 account for 24%, and those aged 25 to 29 account for 12%. Together, males aged 15 to 29 account for 64% of all marijuana arrests. Compared to the overall national marijuana possession arrest rate of 248, the arrest rate for males aged 15 to 19 is 1,911, the arrest rate for males aged 20 to 24 is 1,576, and the arrest rate for males aged 25 to 29 is 857 per 100,000.

It is instructive to review marijuana use statistics by race before examining arrest data for blacks. Data from the 2007 National Survey on Drug Use and Health (NSDUH) is consistent with prior years and provides a helpful perspective for interpreting arrest data in this area. According to the NSDUH, the prevalence of monthly marijuana use among blacks was 7.3%, compared to a prevalence of 5.9% among whites. Monthly use of marijuana by blacks is 24% more prevalent than among whites. For annual marijuana use, the prevalence for whites is 10.4% and for blacks it is 12.5%. Annual marijuana use among blacks is 20% more prevalent than among whites.

On this basis it would be reasonable to expect that the arrest rate for marijuana possession among blacks would be about 25% greater than the rate among whites. However, nationally, the arrest rate for marijuana possession for whites is 195 per 100,000, while the arrest rate for marijuana possession for blacks is 598. While the prevalence of monthly marijuana use among blacks is 24% greater than among whites, the arrest rate for blacks is 300% greater than the arrest rate for whites.

Here is another way to characterize the disproportionate impact of marijuana arrests on blacks compared to whites. Blacks account for 12% of the population, 14% of annual marijuana users, and 31% of marijuana possession arrests. (The comparison is the same if monthly marijuana use is used; blacks account for 15% of monthly marijuana users.)

As state, county, and local data will demonstrate, the disproportionate impact of marijuana arrests on young males and blacks characterizes marijuana possession arrests throughout the United States.

b) Fiscal Impact

The fiscal impact of marijuana law enforcement is difficult to quantify. This report uses a general estimation method also utilized by the Office of National Drug Control Policy (ONDCP). This general approach takes note of the total operating budget for the criminal justice system, the number of arrests for a drug-related offense (in this case, marijuana), and uses the percentage of marijuana arrests to determine the overall costs of these arrests. In this approach, the percentage of the budget attributed to a specific offense is determined by the percentage of total arrests represented by the offense.

This is a useful analytical tool, but its general nature and flaws must be stressed. Arrests for different offenses are not equal in terms of the criminal justice resources they require. Furthermore, in states where marijuana possession is decriminalized, the cost of writing a summons or a ticket is far less than the cost of making an arrest. (For these states, the estimates of the costs of marijuana arrests represent the costs of replacing decriminalization with a policy of making arrests along with the costs of existing arrests.)

Nonetheless, each and every arrest made in a jurisdiction entails many fixed and specific costs. Individuals must be detained, transferred to the police station, booked, held, and arraigned. Police officers must file arrest reports. Prosecutors must review cases, decide whether or not to press charges, and present a case in court. Courts must adjudicate these offenses. Court officials must monitor individuals released on bail. Even when individuals are sentenced to probation there are administrative costs; probation officers must prepare pre-sentencing reports and monitor the individuals upon release. Marijuana arrests consume criminal justice resources, regardless of the penalties for marijuana possession and the determinations made in individual cases. In other words, marijuana arrests are expensive whether individuals receive jail sentences or not.

Almost all marijuana arrests take place at the county or local level, although in some jurisdictions significant numbers of arrests are made by the state police. In 2006, the combined cost of all criminal justice expenditures at the state and local level in the United States was $178 billion. This figure includes $78.7 billion for police operations, $36.8 billion for judicial and legal (prosecution) operations, and $62.6 billion for corrections. Marijuana arrests accounted for 5.77% of all arrests. Using the general estimation method described above, marijuana arrests cost state and local government $10.3 billion in 2006.

c) Opportunity Costs

Marijuana may represent only about 6% of all arrests, but in terms of volume, marijuana arrests are often the 5th, 6th, or 7th largest category of arrests at the state level. Many states face serious budget problems this year and in forthcoming years and are looking to cut department budgets wherever they can.[9] Criminal justice costs are one of many areas state and local governments are looking at for opportunities to reduce expenses. In this environment, many criminal justice systems, instead of looking for budget increases of a few percentage points per year, are looking at budget reductions of

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[9] See State Budget and Tax Updates (http://www.ncsl.org/?tabid=18038) and State Measures to to Balance FY 2010 Budgets (http://www.ncsl.org/?tabid=17255) by the National Conference of State Legislatures. A table with details on state-level criminal justice budgets is available from NCSL at http://www.ncsl.org/?tabid=17240.

several percentage points per year. In this budgetary environment, 6% is a fairly significant resource allocation. Given differences in state laws regarding marijuana offenses, and the general nature of the estimation model used above, the fiscal impact of marijuana laws could be much less in some areas, perhaps more on the order of 2% to 3%. Nonetheless, in the current fiscal environment these remain significant costs.

Economics is about making choices. Making arrests for marijuana offenses requires resources that could otherwise be directed to other priorities.   This is a concept economists refer to as "opportunity costs." Resources applied to marijuana arrests could, for example, be devoted to investigation and arrests related to other and more serious drug offenses. Alternately, these resources could be devoted to detection and prevention of drunk and/or drugged driving. Another pressing priority for criminal justice systems concerns predatory sexual offenders and the sexual abuse of children.

One way to frame the issue of opportunity costs is to examine the clearance rates for serious crimes. As indicated in the preface, the UCR program collects data on the number of known offenses for certain crimes and also assesses how many of these known offenses are cleared through arrest. This data does not include information on convictions, and as indicated in the preface, there are lots of factors to consider in comparing clearance percentages among difference jurisdictions. Another issue that is relevant to examining clearance percentages is that many criminals are serial offenders. An individual arrested for one specific offense may also have committed several other similar offenses that remain un-cleared by arrest and/or unsolved.

Data on clearance percentages for serious crimes is available from several sources. The FBI publishes clearance percentages in their annual report on Crime in the United States. States publish data as well. The UCR Program also releases a detailed data set, from which the figures in this report are derived. Clearance and arrest data from these three sources (national reports, state reports, and the UCR data set) may differ because of the amount of information available when they were published. Nonetheless, they all report similar trends. When it comes to the clearances of serious crimes in the United States, despite the best efforts of dedicated and hard-working law enforcement officials there remains much room for improvement. According to the UCR dataset the clearance rate for murder in 2007 was 59%. For other serious crime the clearance rate was much worse: rape (38%), robbery (24%), assault (52%), burglary (12%), larceny (18%), and motor vehicle theft (12%). Overall, the clearance rate for these seven offenses combined was 26%. While care should be exercised in comparing clearance rates among various jurisdictions, these levels of clearing serious crimes with an arrest are fairly common throughout the country.

Law enforcement personnel take all crime very seriously, just as they take their responsibility to protect and serve the public seriously. Preventing and responding to violent crime is one of the top priorities of every police force. No professional law enforcement officer is going to make marijuana possession arrests a priority over pursuing violent offenders. But the question remains why marijuana possession arrests should be given priority over any offense, violent, property, or sex-based?

4) Marijuana Arrests at the State, County, and Local Level

The Marijuana Policy Almanac provides several tables with state level data as well as some specific ranking of the states according to various criteria. A scorecard table is also provided in the almanac listing state rankings on eight topics: overall possession penalties, penalties for possession of just below one ounce of marijuana, arrest rate per 100,000 population, arrest rate per 100,000 annual marijuana users, past month marijuana use, past month marijuana use in the age 12 to 17 age group, past year marijuana use, and past year marijuana use in the age 12 to 17 age group.

a) Penalties

Penalties are provided for possession of just below one ounce, two, three, and four ounces of marijuana. While the table includes information on both the maximum sentence and fine, rankings are based on the number of days provided by the maximum sentence. Two rankings are provided. The total ranking is based on a weighted index reflecting all four quantity levels. The second ranking is based solely on the maximum sentence for possession of just below one ounce of marijuana.

Based on sentences for possession of just below one ounce, the states with the most lenient marijuana laws are Alaska, California, Colorado, Georgia, Maine, Massachusetts, Minnesota, Mississippi, Nevada, Ohio, and Oregon. With the exception of Georgia, which mandates probation for first offenders, these states all provide for a fine and no jail time for marijuana possession at this offense level. The states with the most severe penalties are Florida (5 years) and Arizona (1.5 years). A sentence of one year is provided by 18 states.

Based on the overall penalties for marijuana, the most lenient states are (in order of leniency) Ohio, Nebraska, Virginia, and (tied) Alaska, California, and Massachusetts. The states with the most severe overall penalties for marijuana possession are (in order of severity) Florida, Montana, Arkansas, Georgia and Oregon (tied) and Missouri.

b) Arrest Rates

Florida does not report data for marijuana arrests. For ranking purposes, marijuana arrests in Florida were estimated at the level of 40% of all drug arrests. Washington, D.C. and Illinois do not report arrest data to the UCR Program, however, data on marijuana arrests were obtained directly from these jurisdictions. It should be noted that the differences in data collection and categorization procedures make comparisons of arrest data from these jurisdictions problematic. Also, New York City does not report directly to the UCR Program; 2007 data on arrests from the five counties that comprise New York City were estimated by the UCR Program. These reporting issues are especially important to note because New York City and Washington, D.C. have the two highest marijuana arrest rates in the nation.

The national arrest rate for marijuana in 2007, the last year of available state and local data, is 290 per 100,000. The greatest marijuana arrest rates in the country were Washington, D.C. (677), New York (481), Kentucky (479), Louisiana (432) and Maryland (440). In terms of arrest rates per 100,000

marijuana users, the national rate in 2007 was 3,479; the most sever arrest rates were South Carolina (6,000), Nebraska (5,897), Kentucky (5,808), Mississippi (5,864), and Maryland (5,491).

c) Marijuana Use

A comparison of marijuana use levels with penalties and arrest rates follows below.

The following prevalence percentages are provided by the 2007 National Survey on Drug Use and Health (NSDUH). The tables in the Marijuana Policy Almanac also provide population estimates for each state, as well as similar data for other drug, alcohol, and tobacco use. The tables provide data on the entire population 12 and older, as well as the age groups 12 to 17, 18 to 25, and 26 and older.

In 2007, the prevalence of past month marijuana use for those 12 and older in the United States was 5.9%. Past month marijuana use was greatest in Rhode Island (10.3%), Vermont (10%), Washington, D.C. (9.8%), Montana (8.7%), and Maine (8.3%). Past month marijuana use was least in Iowa (3.8%), Utah (4.2%), Texas (4.3%), Alabama (4.5%), and Mississippi (4.6%).

In 2007, the prevalence of past month marijuana use for the 12 to 17 age group in the United States was 6.7%. Past month marijuana use for the age group 12 to 17 was greatest in Vermont (11%), Maine (9.8%), Rhode Island (9.7%), Montana (9.5%), and the states of Massachusetts, New Hampshire, and New Mexico (8.7%). Past month marijuana use for the age group 12 to 17 was least in Utah (4.4%), Mississippi (4.7%), North Dakota (5.1%), South Carolina (5.2%), and Alabama (5.4%).

In 2007, the prevalence of past year marijuana use for those 12 and older in the United States was 10.2%. Past year marijuana use was greatest in Rhode Island (16.1%), Vermont (15.8%), Washington, D.C. (15.7%), and the states of New Hampshire and Alaska (13.8%). Past year marijuana use was least in Utah (7.2%), Iowa (7.3%), Mississippi (7.8%), Texas (7.9%), and Alabama (8%).

In 2007, the prevalence of past year marijuana use for the 12 to 17 age group in the United States was 12.8%. Past year marijuana use for the 12 to 17 age group was greatest in Vermont and Rhode Island (18.6%), Maine (16.6%), Montana (16.5%), and Colorado (16.3%). Past year marijuana use for the 12 to 17 age group was least in Utah (8.8%), Mississippi (9.4%), Nebraska (10.5%), Iowa (10.7%), and Alabama (11.1%).

d) Enforcement and Marijuana Use

Differences in marijuana enforcement throughout the nation provide a valuable case study on the issue of federalism. While marijuana prohibition is a policy of the national (or federal) government, its enforcement is primarily the responsibility of the states, among which there is great diversity in penalty structures and enforcement policies. Many states have effectively opted out of the federal policy with respect to enforcing severe penalties for the possession of small amounts of marijuana. Nonetheless, as the review of penalty structures above demonstrates, the possession of a few ounces of marijuana remains a serious crime in most states.

Marijuana Arrests in the United States (2007)

A comparison of state rankings related to marijuana law enforcement and rankings related to marijuana use highlights the diversity of state approaches and outcomes. For example, both Maine and Colorado have decriminalized possession of small amounts of marijuana, and both have some of the highest levels of marijuana use in the country. In contrast, Mississippi has also decriminalized possession of small amounts of marijuana and yet has some of the lowest levels of marijuana use in the country.

Examining the highest and lowest ranked states for marijuana use, here is how rankings on use correlate with rankings on penalties (based on rankings for overall penalty severity). Nebraska (also a decriminalized state) is an example of a state with lenient laws and low levels of marijuana use. North Dakota and South Carolina are examples of states with severe laws and low levels of marijuana use. Montana is an example of a state with severe laws and high levels of marijuana use. The states of Alaska, Colorado, Maine, Massachusetts, and New Mexico all have lenient laws and high levels of marijuana use.

Examining the highest and lowest ranked states for marijuana use, here is how rankings on use correlate with arrest rates (based on rankings for arrest rates per 100,000 users). Utah and North Dakota have low usage levels and moderately low arrest rates per 100,000 users (ranked 31st and 28th respectively). South Carolina (1), Nebraska (2), and Missouri (4) have some of the highest arrest rates per users and also rank among states with the lowest levels of marijuana use. Washington, D.C. has a relatively high arrest rate per users (9) and relatively high levels of marijuana use. States with low arrest rates per 100,000 users and relatively high levels of marijuana use are Alaska, Massachusetts, Montana, New Hampshire, Rhode Island, and Vermont.

There are several interpretations that can be derived from these correlations; however it is important to remember that correlations do not prove causal relationships. There are many additional factors that are relevant to understanding these rankings. One of the most important factors in each of these states is the budgetary and related political context that influences both the ability and willingness to both enforce marijuana laws and enforce them severely. From this perspective, it appears that it is easier to sustain a more strict approach to marijuana law enforcement in states with fewer numbers of marijuana users than in states with greater usage rates. The obvious response to this is the counter argument that strict enforcement is responsible for lower usage rates and that higher usage rates are responsible for higher levels of use.

While the experience of some states may appear to validate the approach that strict enforcement and/or severe penalties for marijuana possession contribute to lower levels of use, there are three prominent considerations challenge the long term utility of this policy option. First, as demonstrated above, marijuana arrests in the U.S. increased dramatically over the last 20 years with no impact on marijuana usage levels; our historical experience is that increasing marijuana arrests has failed to diminish the prevalence of marijuana use at the national or state level. Second, restating the experience of recent years, arresting 3% to 6% of marijuana users does not provide a sufficient level of deterrence to affect the overall prevalence of marijuana use. There is neither sufficient political support nor available financial resources to raise the incidence of arrests to sufficient levels to successfully deter use, especially in the current fiscal climate regarding state budgets. Third, and perhaps most troubling, ultimately this is not an issue that can be resolved through a federalist approach.

One of the constitutional factors in justifying federal law over the manufacture, sale, and distribution of marijuana is that the actual and prospective commercial trade in marijuana in each state is interrelated with the actual and prospective trade in every state. Marijuana prohibition may be an acceptable policy

in some states, but it is rapidly becoming unsustainable in many states. The illegal nature of the marijuana market makes it highly profitable and highly capitalized, and both of these factors provide incentives for market participation and expansion. The current laws make marijuana an attractive commodity. According to the 2007 NSDUH, 742,932 youths in the 12 to 17 age group sold illegal drugs in the preceding 12 months. This is an important factor in understanding the prevalence of teenage marijuana use. Because of the profit potential, teens sell marijuana and make it more widely available than it would be if marijuana were regulated like alcohol or tobacco. While teens do have access to alcohol and tobacco, despite age restrictions, availability problems related to these two substances are not exacerbated by widespread commercial trade among teenage populations, sold by teenagers to teenagers for profit.

5) County and Local Level Demographics

Note: In the references to counties below, the primary city or prominent landmarks in many of these counties will be mentioned in brackets. Also, data was not available for counties and local agencies in Florida.

The arrest rate for marijuana in the United States in 2007 was 290 per 100,000. In counties with populations over 250,000 the greatest arrest rates in the United States in 2007 were St. Louis City, Missouri (1,116), Baltimore City, Maryland (1,062), Fayette [Lexington] (1,056) and Jefferson [Louisville](1,008) Kentucky, and Charleston, South Carolina (709). Close behind were Orleans and East Baton Rouge, Louisiana; Washington D.C., and the five counties of New York City, with arrest rates ranging from 656 (New York City) to 685 per 100,000 (New Orleans).

Arrest rates vary widely throughout the country, based in part on marijuana use levels as well as local enforcement policies. In our largest cities, for example, based on reports from individual agencies, the arrest rate in Dallas is 143, while in Philadelphia the arrest rate is 512. In San Antonio, the rate is 529, while in Detroit, the rate is 222 per 100,000. Pittsburgh reports a rate of 502, while Phoenix reports a rate of 208. In Indianapolis the marijuana arrest rate is 305 while in Memphis TN the rate is 563.

Returning to county-level arrest rates, reflecting all the reporting agencies in the county, arrest rates also vary among areas with populations between 100,000 and 250,000. The greatest arrest rates among counties of this size were reported in Ouachita, Louisiana [Monroe] (866); Ulster, New York [Kingston] (836); Coconino, Arizona [close proximity to the Grand Canyon] (782); Walworth, Wisconsin [Lake Geneva](746), and Harrison, Mississippi [Gulfport – Biloxi] (728).

Many areas with popular attractions, such as national parks and beaches, have high arrest rates because of arrests of visitors. Arrest rates are calculated using an area's resident population, and arrests of large numbers of visitors divided by small local resident populations produce unusually large arrest rates per 100,000 population. Consequently resort towns have some of the greatest arrest rates in the country. Based on agency level reports, examples include Ocean City, Maryland with 632 marijuana arrests in 2007 in a town with a resident population of 7,005, producing an arrest rate of 9,193 per 100,000. While these elevated rates are not reflections of trends involving residents, they do reveal locations of large numbers of arrests by local law enforcement officials. Other examples include Montgomery, Texas near Sam Houston National Forest, with 51 marijuana arrests in a town with a population of 563, producing an arrest rate of 8,600 per 100,000. Myrtle Beach, South Carolina has a population of 29,361 and reported 559 marijuana arrests in 2007, producing an arrest rate of 2,111. Asbury Park, New Jersey has a population of 16,473 and reported 258 marijuana arrests, producing an arrest rate of 1,657. Snellville, Georgia is a small town of 20,414 near Stone Mountain; they reported 257 marijuana arrests in 2007 producing an arrest rate of 1,420 per 100,000. Utah County, Utah contains Utah Lake and Uinta National Forest; the local police agency has a coverage population of 31,902 and reported 389 marijuana arrests for an arrest rate of 1,235 per 100,000.

Other areas with exceptionally high arrest rates for marijuana (based on local agency level data) are located near heavily traveled interstate highways. For example, Maryland Heights, Missouri, in St. Louis County near the intersection of I-70 and I-270, had a population of 26,221 and reported 378 marijuana arrests for an arrest rate of 1,533 per 100,000. Kleberg, Texas is outside of Dallas, near the intersection

of I-20 and US-175 with a population of 5,783; the local police agency reports 230 marijuana arrests for an arrest rate of 4,513. White House, Tennessee is north of Nashville, adjacent to I-65 with a population of 9,634 and reports 213 marijuana arrests in 2007 for a rate of 2,356. Cambridge, Maryland is on the Eastern Shore on US-50, a primary route to the beach resort of Ocean City. Cambridge has a population of 11,479 and reported 133 marijuana arrests producing a rate of 1,385.

States that have decriminalized small amounts of marijuana have similar enforcement levels; however the imposition of a civil fine in lieu of arrest in the cases of possession of small amounts of marijuana produces substantially less enforcement costs. Nonetheless, while decriminalization affects a significant proportion of marijuana arrests, as discussed above, substantial penalties in these states remain in force with respect to possession of slightly greater amounts such as two to three ounces.   While the administration of marijuana laws is less costly in "decrim" states, marijuana law enforcement remains a frequent diversion of police time and criminal justice resources.

Statistics on the number of citations issued for marijuana possession in decrim states are not readily available from most affected states. Data collection procedures for the Uniform Crime Reporting Program direct states to count citations as arrests, meaning that in most states arrest statistics for marijuana possession include both arrests and citations. In New York City, possession of less than 25 grams of marijuana is a decriminalized offense under state law; however, local police instead make arrests for marijuana possession under a different statute that treats displaying or using marijuana in public as a misdemeanor offense, resulting in some of the highest marijuana arrest rates in the nation.

California maintains and provides data distinguishing between marijuana arrests and citations. In California, 77% of marijuana possession offenses were handled as citable offenses involving a ticket and a $100 fine. The UCR data reports 52,939 possession arrests in California in 2006. The California Department of Justice Criminal Statistics Center reports data on 51,838 marijuana possession offenses in 2006; of these, 39,798 were cited, 10,087 were booked, and 1,962 were classified as "other". There is similar data for 2005, in which 36,282 citations were issued against a total of 47,380 misdemeanor marijuana offenses in California.

Counties from these "decrim" states have some of the greatest marijuana arrest rates in the country. Guildford County North Carolina [Greensboro] has an arrest rate of 652, ranked 14th in the nation for counties with a population over 250,000. Onondaga County, New York [Syracuse] comes in at 17th, with an arrest rate of 554. Douglas County, Nebraska [Omaha] comes in next at 18th with an arrest rate of 543 per 100,000. Other leading counties from decriminalized states include Albany, New York (528); Erie, New York [Buffalo](512); Lane, Oregon [Eugene] (510); Lancaster, Nebraska [Lincoln] (510); Orange New York [West Point] (481), and Adams County, Colorado [just east of Denver] (394).   Looking at counties with populations between 100,000 and 250,000, 10 of the top 50 counties (20%) are located in decriminalized states.

The arrest rate in 2007 for males aged 15 to 19 in the United States was 1,911. In counties with populations over 250,000 the counties with the greatest arrest rates for males age 15 to 19 were Baltimore City, Maryland (6,448); Jefferson, Kentucky [Louisville](5,981); Cobb, Georgia [NW of Atlanta] (5,969); Gwinnett, Georgia [NE of Atlanta] (5,569); Jefferson, Louisiana [South of New Orleans] (5,209); St. Louis City, Missouri (5,044); Charleston, South Carolina (4,632); Clayton, Georgia [Chattahoochee National Forest] (4,126); Guildford, North Carolina [Greensboro] (4,005), and Adams County, Colorado [just east of Denver] (3,820).

Marijuana Arrests in the United States (2007)

As discussed above, marijuana arrest rates for blacks are disproportionately higher than arrest rates for whites.   The following background material bears repeating to underscore this point before reviewing county level data on marijuana arrest rates for blacks. For annual marijuana use, the prevalence for whites is 10.4% and for blacks it is 12.5%. Annual use of marijuana among blacks is 20% more prevalent than among whites. Nationally, the arrest rate for marijuana possession for whites is 195 per 100,000, while the arrest rate for marijuana possession for blacks is 598. Blacks account for 12% of the population, 14% of annual marijuana users, and 31% of marijuana possession arrests. While these are national survey figures it is unlikely that local variances in the prevalence of marijuana use among blacks and whites account for the tremendous disparities in arrest rates.

Maintaining focus on counties with populations over 250,000, the county with the greatest arrest rate for blacks for marijuana possession in 2007 is Onondaga, New York [Syracuse].   Even allowing for the decriminalization of possession of small amounts of marijuana in New York, arrest rates still reveal disproportionate enforcement of the prevailing law. In Onondaga County, there were 46,497 black residents in 2007, accounting for 10.2% of the population. There were 1,254 arrests of blacks for marijuana possession, accounting for 50.6% of all marijuana possession arrests in the county and producing an arrest rate of 2,697 per 100,000. The arrest rate for whites in Onondaga County was 311 per 100,000. In Lancaster, Nebraska [Lincoln], also a decriminalized state, there was a black population of 9,071 in 2007, or 3.4% of the resident population. There were 237 arrests for marijuana possession, 17.7% of all marijuana possession arrests. The arrest rate for blacks was 2,613 compared to a rate for whites of 441. The third leading county was not in a decriminalized state. In Jefferson County, Kentucky [Louisville] the black population in 2007 was 125,978, accounting for 20.2% of the residents. There were 2,852 arrests of blacks for marijuana possession, 48.1% of all marijuana possession arrests. The arrest rate for blacks was 2,264 compared to a rate for whites of 643. The rest of the top ten counties consist of Douglas, Nebraska [Omaha] (2,115); Dane, Wisconsin [Madison] (2,090); Cobb, Georgia [NW of Atlanta] (1,841); Erie, New York [Buffalo](1,791); Waukesha, Wisconsin [west of Milwaukee](1,729); Winnebago, Illinois [Rockford] (1,647), and Ottawa, Missouri [Grand Rapids](1,470). In Jefferson, Kentucky, the black rate was 3.5 times the white rate. In Cobb, Georgia the black rate was four times the white rate. In Dane, Wisconsin the black rate was 12 times the white rate, and in Waukesha, Wisconsin the black rate was nine times higher than the white rate.

The examples above are typical of most jurisdictions in the United States. Hennepin, Minnesota (Minneapolis), also located in a decriminalized state, comes in at number 20 in the rankings of counties with populations over 250,000, with a black arrest rate of 1,282 compared to a rate for whites of 104 per 100,000. Clark, Nevada [Las Vegas] is ranked 28th with a black marijuana possession arrest rate of 1,178 compared to a white arrest rate of 253. Summit, Ohio [Akron] is ranked 40th with a black arrest rate of 1,093 and a white rate of 149. Allegheny, Pennsylvania [Pittsburgh] is ranked at number 57 with a black rate of 871 compared to a white rate of 129. Mobile, Alabama is ranked 90th. The black population of Mobile County in 2007 was 134,120 and accounted for 34.4% of the resident population. There were 850 marijuana possession arrests of blacks in Mobile in 2007, accounting for 71.6% of all possession arrests for a black arrest rate of 634 compared to a white arrest rate of 137.

In San Francisco, California, another decriminalized area with some of the most liberal marijuana laws in the country, there is a black population of 50,829 or 6.9% of the resident population. In San Francisco, there were 130 arrests or citations of blacks for marijuana possession, 34.4% of all arrests/citations for marijuana possession in the county. The rate for blacks was 256 compared to a rate for whites of 58. According to the California Department of Criminal Justice, in 2006 San Francisco blacks accounted for 32% of the citations issued for marijuana possession and 53% of the booked arrests.

Marijuana Arrests in the United States (2007)

The disproportionate arrests of blacks for marijuana offenses in the United States is not a local or regional phenomenon; it is a national characteristic of marijuana law enforcement, evident in every state, most counties, and most local police agencies in the country[10].

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[10] For a detailed examination of racial bias and New York City Marijuana Arrests see The Marijuana Arrest Crusade in New York City: Racial Bias in Police Policy 1997-2007 (http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE_Final.pdf) by Harry Levine and Deborah Small. Also, see this review by New York Civil Liberties Union (http://mrzine.monthlyreview.org/nyclu290408p.html.)